

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

v.

ALEXANDER S. ROWLAND.

CRIMINAL ACTION

NO. 20-316-KSM

ORDER

AND NOW, this 22nd day of October, 2020, upon consideration of the Government's Appeal of Western District of Pennsylvania Magistrate Judge's Release Order (Doc. No. 6),¹ after a hearing and argument of counsel for both parties, and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** that:

1. The Government has proven by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of Defendant as required;²
2. Pursuant to 18 U.S.C. § 3145(a)(1), the pre-trial release order issued by United States Magistrate Judge Patricia L. Dodge of the Western District of Pennsylvania on October 19, 2020 is **REVOKED and VACATED**;
3. The United States Marshal for the Western District of Pennsylvania must transport

¹ On October 19, 2020, United States Magistrate Judge Patricia L. Dodge of the Western District of Pennsylvania granted the Government's request for a 24-hour stay pending the Government's appeal of her pre-trial release order. On October 20, 2020, the Government filed its appeal. That same day, this Court ordered that the pre-trial release order was stayed pending our decision on the Government's appeal.

² The government must prove by a preponderance of the evidence that no conditions of release reasonably will assure Defendant's appearance or prove by clear and convincing evidence that no conditions of release will reasonably assure the safety of the community. *See United States v. Himmler*, 797 F.2d 156, 161 (3d Cir. 1986).

Defendant to the Eastern District of Pennsylvania and deliver Defendant to the United States Marshal for the Eastern District of Pennsylvania, or to another officer authorized to receive Defendant. The Marshal or officer in the Eastern District of Pennsylvania should immediately notify the United States Attorney and the Clerk of Court for the Eastern District of Pennsylvania of Defendant's arrival so that further proceedings may be promptly scheduled.

4. Defendant is committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
5. Defendant shall be afforded reasonable opportunity for private consultation with his counsel; and
6. On order of a Court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to a United States Marshal for purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

/s/ KAREN SPENCER MARSTON

KAREN SPENCER MARSTON, J.